

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:10CR346
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
MANUEL SANTOS,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's objection (Filing No. 25) to the Magistrate Judge's order (Filing No. 24) denying the Defendant's motion to continue trial (Filing No. 24).

Under 28 U.S.C. § 636(b)(1)(A) and NECrimR 59.2, the Court has reviewed the order from which this appeal has been taken. A district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

Judge Gossett's order is not clearly erroneous or contrary to law, however, defense counsel included additional information in the objection and filed a signed speedy trial affidavit. For these reasons, trial will be continued.

Accordingly,

IT IS ORDERED:

1. The Defendant's objection to the Magistrate Judge's order (Filing No. 25) is granted;
2. Trial will be continued to January 4, 2011 at 9:00 a.m.; and
3. The time between today's date and the commencement of trial is deemed excludable time in any computation of time under the requirement of the

Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration the due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A).

DATED this 23rd day of November, 2010.

BY THE COURT:

S/Laurie Smith Camp
United States District Judge